

# PORT OF GRAPEVIEW

## Public Records Act Rules

Public Information Officer  
Post Office Box 3  
Grapeview, WA 98546  
e-mail: portofgrapeview@gmail.com

### **POLICY:**

Pursuant to the Washington State Public Records Act, RCW 42 .56 et. seq. (the Act), the Port of Grapeview is required to make available for inspection and copying public documents as defined by the Act. The following policy will govern the compliance of the Port with respect to the provisions of the Act. To the extent that this policy is in any way inconsistent with the referenced RCW, the RCW will be deemed to prevail.

All public records of the Port are deemed to be available for public inspection and copying pursuant to this policy except as otherwise provided by the Act, or other statute, which exempts or prohibits disclosure of specific information or records.

A public record includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. A public record also includes photographs or recordings taken by Port of Grapeview Commissioners or designated staff in the performance of their duties.

### **PUBLIC INFORMATION OFFICER:**

The Secretary for the Port shall be the Port's Public Information Officer. The Public Information Officer shall be responsible for the following: processing requests for access to public records; the implementation of the Port's rules and regulations regarding the release of public records; coordinating with other Port staff in this regard; and generally ensuring compliance by the Port of Grapeview Commission or designated staff with the public records disclosure requirements of the Act. Should the Public Information Officer be temporarily unable to fulfill the duties as Public Information Officer the Port of Grapeview Commission Chair shall temporarily assign those duties to a qualified designee to fulfill the duties as Public Information Officer.

### **INDEX OF PUBLIC RECORDS UNAVAILABLE:**

The Commission has determined that it would be unduly burdensome to maintain an itemized index of all Port records, except as set forth herein, due to fiscal and personnel limitations. This determination was made in Port of Grapeview Resolution 2012-003.

### **REQUEST FOR PUBLIC RECORDS:**

In accordance with requirements of the Act, public records may be inspected and or copies of such records may be obtained by members of the public, upon compliance with the following procedures: All requests for records should be made in writing or by e-mail. To facilitate timely processing and accountability, a "Public Records Request" form should be completed and submitted to the Public Information Officer when requesting records. Forms are available upon request from the Port's Public Information Officer or on the Port's website. The request shall be made by mail or e-mail to the Public Information Officer.

### **COPYING:**

No fee shall be charged for the location and inspection of public records by Port staff. The Port shall charge a fee for providing copies of public records at a rate of \$.15 per page or the cost of electronic storage media and may include the cost of postage if the requestor requires the records to be mailed to them. Should the Port choose to use an outside firm to complete the necessary duplicates to satisfy the request, the requestor shall pay the actual expense charged by the outside firm. Requestors will be notified via U.S. mail or e-mail of the total cost of fulfilling the request and the request will be fulfilled after payment has been received.

There is no requirement under the Public Records Act that a fee must be charged for copying. Therefore, the Public Information Officer may exercise the right to waive copying charges for requests that do not exceed 20 pages. Waiving the copying fee for public records requests exceeding 21 pages must be approved by motion at a regularly scheduled or special meeting. <sup>1</sup>

#### **RESPONSES:**

Responses by the Port to requests will be made promptly within five business days from the time a fully completed request is submitted to the Public Information Officer. If the Port is not able to fully respond within the five business day period, the Public Information Officer or the Port's attorney must provide a reasonable estimate of the time it will take to fully respond to the request. Additional time may be needed to clarify the scope of the request, locate and assemble the records, redact confidential information, prepare a withholding index, notify third party persons or agencies affected by the request, and/or consult with the Port's attorney about whether the records are exempt from disclosure. The Public Information Officer should briefly explain the basis for the time estimated to respond. Should an extension of time be necessary to fulfill the request, the Public Information Officer will provide a revised estimate and explain the changed circumstance that make it necessary.

#### **INSPECTION OF RECORDS:**

The Port of Grapeview Commission does not maintain a public office or office hours. If a requestor requests to inspect records, the Public Information Officer will identify a date and time when the records will be available for viewing at a designated location. At that time, the requestor can identify records to be copied. If the request for copies is minimal, the Public Information Officer may make the copies at that time if resources for making copies are available. If the request is for more than 20 copies of individual records, the Public Information Officer will make the copies within 3-5 business days, unless otherwise notified. The Public Information Officer will notify the requestor when the copies are ready to be picked up and what the total copy charge will be.

#### **PROTECTION OF PUBLIC RECORDS:**

No records shall be removed from the Port's possession except by written permission of the Public Information Officer to whom the request was made under such conditions as are required to protect the records from damage, loss or disorganization. No record may be marked, folded or damaged in any way, nor may any record be removed from any file to which it is attached, nor may the records filing order be altered in any way. The Public Information Officer or designated staff member will supervise inspection of records.

#### **EXEMPTIONS:**

The Act allows for certain personnel and other records to be exempt from public disclosure. The Port reserves the right to determine that a public record requested is exempt from disclosure under provision of the Act:

1. Pursuant to the Act, the Port reserves the right to redact identifying details when it makes available or publishes any public record, in cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by RCW 42.56.210. The Public Information Officer will justify such deletion in writing.
2. All denials for requests for public records must be accompanied by a written statement specifying the reason for denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.
3. The Port will not give, sell or provide access to:
  - a) Lists of individuals requested for commercial purposes, except as allowed under RCW 42.56.070(9).
  - b) Personal information in files maintained for employees, appointees, or elected officials to the extent that disclosure would violate their right to privacy. RCW 42.56.230(1)(b).
  - c) Test questions, scoring keys, and other examination data used to administer a license or employment examination. RCW 42.56.250(1).
  - d) The contents of real estate appraisals, except as provided by RCW 8.26, made for and by the Port relative to the acquisition or sale of property until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is

sold, but in no event shall disclosure be denied for more than three (3) years after the date of the appraisal. RCW 42.56.260.

e) Valuable formulae, designs, drawings, and research data obtained by the Port within five (5) years of the request for disclosure when disclosure would produce private gain and public loss. RCW 42.56.270(1).

f) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by the Port in connection with any Port action. RCW 42.56.280.

g) Records which are relevant to a controversy to which the Port is a party but which records would not be available to another party under the rules of pretrial discovery for cases pending in the superior court. RCW 42.56.290.

h) Records, maps or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites. RCW 42.56.300.

i) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to RCW 43.163 and 53.31, and by persons pertaining to export projects pursuant to RCW 43.23.035. RCW 42.56.270(3).

j) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by RCW 43.163, 43.160, 43.330, and 43.168, or during application for economic development loans or program services provided by any local agency. RCW 42.56.270(4).

k) Applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to applicant. RCW 42.56.250(2).

l) The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency. RCW 42.56.250(3).

m) Financial and valuable trade information under RCW 51.36.120. RCW 42.56.270.

n) Information that identifies a person who, while an agency employee: (i) seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed. RCW 42.56.250.

o) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment. RCW 42.56.250.

p) Business related information protected from public inspection and copying under RCW 15.86.110. RCW 42.56.380.

4. Failure of the Port to list in this policy an allowable exemption under any applicable law does not affect the exemption or its available use by the Port.

#### **REVIEW OF DENIALS OF PUBLIC REQUESTS:**

1. Denials of requests must be accompanied by a written statement of the specific reasons and signed by the Public Information Officer.

2. Any person who objects to the denial of a request may petition for prompt review of such decision by tendering a written request for review to the Port of Grapeview Commission Chairperson.

3. Upon receiving a written request for review, the denial of the request shall promptly be reviewed by the Port of Grapeview Commission Chairperson (or designee) and the final decision of the Port of Grapeview Commission Chairperson shall be made in writing and delivered to the requesting party by the end of the second business day following receipt of the written request for review as set forth in RCW 42.56.520.

The decision of the Port of Grapeview Commission Chairperson ( or designee) shall constitute final action of the Port for purposes of judicial review. The Port of Grapeview Commission Chairperson shall advise the Commissioners of the Port of Grapeview Commission Chairpersons decision with regard to any such request.

**CLARIFICATION OF REQUESTS:**

When the Port receives a large or unclear request, the Public Information Officer shall communicate with the requestor to clarify the request and explain the public records process. For large requests the Port may ask the requestor to prioritize the request so that he or she receives the most important records first. If the requestor finds the records he or she is seeking at the beginning of a request, the requestor should communicate with the Port that the requested records have been provided and he or she is canceling the remainder of the request.

**REFERING A REQUEST TO THE PORT'S ATTORNEY:**

Should the Public Information Officer or the Port of Grapeview Commission Chairperson have questions concerning whether a particular request should be fulfilled or denied, the Public Information Officer or the Port of Grapeview Commission Chairperson shall forward the request to the Port's attorney for review.

**ADDRESS WHERE REQUESTS ARE TO BE DIRECTED:**

All Public Records Request communications with the Port are to be addressed to:

Port of Grapeview  
Attention: Public Information Officer  
P.O. Box 3  
Grapeview, W A 98546

Or Via e-mail: [admin@portofgrapeview.com](mailto:admin@portofgrapeview.com)

**FORMS:**

The form to use to request a Public Records Request is on our website at [www.portofgrapeview.com](http://www.portofgrapeview.com). Navigate to Port Documents. Or request a form to be mailed or emailed to you at the above address.